

the final office action, and there is no reference on the current Office Action related to the Appeal.

4. The current office action does not state a new grounds of rejection. All claims continue to be rejected for obviousness under the combination of references cited in the 02/09/04 Office Action. Specifically, the Examiner uses an argument essentially identical to prior arguments in combining Cobb and Shkedy with Curkendall to reject the claims. Applicant has repeatedly argued that it is not appropriate to combine either the Cobb or the Shkedy reference with Curkendall to form a rejection of any claim.
5. For the record, Applicant reiterates below the arguments made in response to the 2/09/04 Office Action. These are the same arguments that Applicant has made in the appeal.
6. As a formality, Applicant also encloses a request for a three month extension along with a fee. However, Applicant respectfully asks that under the present circumstances and due to the confusion caused by the PTO in this matter that
  - (a) an extension fee not be required; and
  - (b) the current office action be withdrawn and that the claims either be allowed, or that this matter proceed immediately through the appeals process.

**Arguments against combining references to form**

**§103 Rejection of Claims 29-43**

1. Applicant respectfully traverses the rejection of Claims 1-43 based on Curkendall in view of Cobb and further in view of Shkedy.
2. The references of Cobb and Curkendall and Shkedy and Curkendall are not reasonably combined. Curkendall relates to a method and apparatus for livestock data

collection and management (Abstract). Cobb relates to a method for encouraging purchasers of pets or other types of animals to register animals with a genealogical or breed registry (Abstract). Shkedy describes systems and methods for providing a global bi-lateral buyer-driven system for creating binding contracts. (Abstract) Neither Cobb nor Shkedy relate to livestock auctions.

3. Even if Cobb were reasonably combined with Curkendall, Cobb teaches away from the claims of the current invention in the manner and timing of the registration; in the assignment of a registration number; and in the type of information required for registration. Cobb teaches collecting sire and dam information [9:39], but does not teach collecting other background or processing information for an animal prior to sale. Cobb describes “a method for encouraging purchasers of pets to register the animals “ (Abstract) and “providing a purchaser, at the time of purchase, an application form for registration of the animal (Abstract) ...” “Upon receipt of the application, the registry assigns a registration number to the animal ...” [Abstract] Cobb does not present “guidelines for processing an animal”, and the registration appears to be based entirely on breed. In the present invention, the seller of the cattle has effectively identified and registered the animal prior to the sale. In the present invention, a benefit to the buyer is the certification by the seller that the guidelines for processing an animal have been fulfilled. Cobb teaches collecting sire and dam information [9:39], but does not teach collecting other background or processing information for an animal prior to sale.
4. Shkedy teaches away from the claims of the current invention. The patent discloses “a method for using a computer acting as an intermediary to facilitate a transaction between a plurality of buyers and at least one seller”. [3:39-41] A buyer’s conditional purchase offer is “combined into a pooled purchase order with other buyers.” [3:49-50]

11. Curkendall does not disclose a method for conducting a cattle auction. Curkendall does not disclose providing a seller with a plurality of required guidelines for processing at least one animal prior to said auction. As noted by the examiner, Curkendall does reference events related to recording an animal's health (11:16-17), weaning (12:30), and vaccination (12:66-67), however, Curkendall does not teach recording these events as part of a certification process for a livestock auction. Curkendall does not disclose processing a complete and signed certification form which certifies that said at least one animal was processed in accordance with said required processing guidelines. Cobb (at 9:32 to 10:62) discloses a litter registration application which appears to be solely concerned about pedigree information. Cobb does not disclose guidelines comprising: at least one required vaccination, at least one required treatment to said animal, at least one required health record, or a required weaning date for said at least one animal that is a least forty five days prior to said auction
  
12. The references of Cobb and Curkendall are not reasonably combined. Curkendall relates to a method and apparatus for livestock data collection and management (Abstract). Cobb relates to a method for encouraging purchasers of pets or other types of animals to register animals with a genealogical or breed registry (Abstract). Cobb does not relate to livestock auctions.
  
13. Even if Cobb were reasonably combined with Curkendall, Cobb teaches away from the claims of the current invention in the manner and timing of the registration; in the assignment of a registration number; and in the type of information required for registration. Cobb teaches collecting sire and dam information [9:39], but does not teach collecting other background or processing information for an animal prior to sale. Cobb describes "a method for encouraging purchasers of pets to register the animals " (Abstract) and "providing a purchaser, at the time of purchase, an application form for registration of the animal (Abstract) ..." "Upon receipt of the application, the registry assigns a registration number to the animal ..." [Abstract]

Cobb does not present “guidelines for processing an animal”, and the registration appears to be based entirely on breed. In the present invention, the seller of the cattle has effectively identified and registered the animal prior to the sale. In the present invention, a benefit to the buyer is the certification by the seller that the guidelines for processing an animal have been fulfilled. Cobb teaches collecting sire and dam information [9:39], but does not teach collecting other background or processing information for an animal prior to sale.

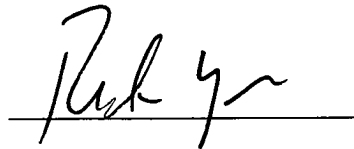
14. The current application represents a non-obvious extension of livestock data collection and individual animal identification to specifically support the auction sale of “pre-certified” cattle. In the current application, this “certification” that cattle have been processed according to specified pre-conditioning guidelines is supported in two ways. First, the seller signs a certification form that the guidelines have been followed. Second, the actual data, such as dates of vaccinations, is provided in a manner that can be transferred to an electronic database in a manner that the data can be accessed from the animal identification code.
  
15. By contrast, Cobb teaches a breed registration form for dogs, where the seller signs the registration form. However this registration form is limited to information about the genealogy of the dog; the date of birth of the dog; a name of the dog; an optional microchip number for the dog; and the identity of the seller and buyer. No information is provided about the health of the dog, such as vaccination history. No information is provided about the background conditioning of the dog prior to sale. There is no suggestion in Cobb that the animal has been processed according to specified auction guidelines before the sale. Cobb does not teach livestock auctions. The seller is not signing the registration form to certify that pre-sale processing guidelines have been followed. Data is not provided to support required pre-sale processing guidelines. Cobb’s registration form is not a certification form as described in the current application.

16. This certification is important, because, unlike dogs, the cattle are food animals which will be further processed by the buyers (and subsequent buyers) and will eventually be consumed. The certification process helps ensure animal health, helps to avoid unnecessary treatments such as excess antibiotics, and provides information that may be used in subsequent investigation or analysis.
  17. Cobb's registration form presumably supports a higher value for a dog because of proof of its genealogy or breed. One skilled in the art could presumably extend Cobb's teachings to perform a similar breed registration or proof of genealogy in cattle. However, proof of breed is not the essence of the current invention. In the current invention, the improved value to the seller and buyer is due to the certification (and supporting data) that pre-sale processing guidelines have been followed.
  18. The current invention's combination of auction sale, pre-certification guidelines, individual animal identification, certification form, pre-certification data collection, and electronic databases is not obvious in view of the prior art cited by the examiner.
8. Applicant urges that all claims are in condition for allowance.

Thank you for your continued assistance in this application.

Dated: December 27, 2005

Respectfully submitted,

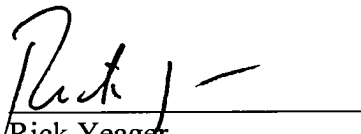
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Rick Yeager  
December 27, 2005